

Appl. No. 10/619,736
Atty. Docket No. CM2503RQ
Amdt. dated October 27, 2006
Customer No. 27752

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REMARKS

Formal Matters

Claim 1 has been amended to claim a method for making a tissue paper wherein the claimed calendering rolls exert a pressure onto the paper web of at least about 120 N per centimeter. Additionally, Claim 2 has been amended to require that the first and second calendering rolls exert a pressure onto the paper web ranging from about 120 N to at least about 300 N per centimeter. Support for the current amendments to Claims 1 and 2 is found in Applicants' Specification on page 9, lines 8-12, as originally submitted. Claims 1-3 and 5-12 remain pending and are presented for the Examiner's reconsideration in light of the above amendments and the following comments.

Rejections Under 35 U.S.C. §102

Claims 10-12 have been finally rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over Wells, U.S. Patent No. 3,414,459. Previous arguments made with regard to the *Wells* reference remain in effect but will not be repeated for the sake of brevity. Applicants traverse this rejection for the following additional reasons:

1. Claim 1, as now amended, claims a method for making a tissue paper product from a tissue paper web comprising the steps of, *inter alia*, passing the tissue paper web through a calendering nip where the first calendering roll and the second calendering roll exert a pressure onto the paper web of at least about 120 N per centimeter. (approximately 68.5 lbs. per linear inch).

2. The *Wells* reference is silent and, in fact, does not even remotely suggest the application of a pressure from a first and second calendering roll onto a paper web of at least about 120 N per centimeter, as required by Applicants.

3. It was surprisingly found that the resulting paper tissue, after undergoing an embossing step and a calendering step as claimed by Applicants, provides for an increased caliper as compared to an untreated web. This effect is particularly surprising, as one of skill in the art would likely understand that a calendering operation with a high pressure is typically known to reduce the caliper of a paper web considerably. (Specification, p. 9, ll. 26-33)

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Due to these considerations, the *Wells* reference fails to teach each and every element of Applicants' claimed invention. Further, the *Wells* reference fails to even remotely suggest, or provide even a modicum of a suggestion for, each and every element of Applicants' claimed invention. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b)/35 U.S.C. §103(a) rejection with respect to Claims 10-12.

Rejections Under 35 U.S.C. §103

Claims 1-3 and 5-9 have been finally rejected under 35 U.S.C. §103(a) over *Wells*, with or without *Kamps*, et al., U.S. Patent No. 5,702,571 or *Brown*, et al., U.S. Patent No. 5,693,403. Additionally, Claims 1-3 and 5-12 have been finally rejected under 35 U.S.C. §103(a) over *Jennings*, et al., International Publication No. WO98/58124 in view of *Roussel*, et al., International Publication No. WO99/45205, or *Kamps*. Previous arguments made with respect to the *Wells*, *Jennings*, *Roussel*, or *Kamps* references remain in effect but will not be repeated for the sake of brevity. Applicants respectfully traverse and request reconsideration and withdrawal of the instant rejections for the following additional reasons:

1. As detailed *supra*, Applicants have amended Claim 1 to require that the first calendering roll and second calendering roll exert a pressure on the paper web of at least about 120 N per centimeter.
2. Similar to the discussion with regard to the *Wells* reference *supra*, the *Jennings* reference is silent and indeed does not even remotely suggest the application of a calendering pressure onto the paper web of at least about 120 N per centimeter, as claimed by Applicants' independent Claim 1. None of the cited secondary references cures these deficiencies.

Because of these considerations, the combination of the *Wells*, *Kamps*, and *Brown* references, as well as the combination of the *Jennings*, *Roussel*, or *Kamps* references, do not suggest Applicants' claimed method for making a tissue paper product. The *Wells*, *Kamps*, or *Brown* references or the *Jennings*, *Roussel*, or *Kamps* references fail to disclose, teach, suggest, or render obvious, either singly or in combination, every recited feature of Applicants' amended Claim 1. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some

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teaching, suggestion or incentive supporting the combination.” *See Carella v. Starlight Archery*, 804 F.2d 135, 231 U.S.P.Q. 644 (Fed. Cir. 1986) “The consistent criterion for a determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. . . . Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant’s disclosure.” *See In re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q. 2d 1529 (Fed. Cir. 1988)

In light of the above, Applicants therefore respectfully request reconsideration and withdrawal of all 35 U.S.C. §103(a) rejections to Claim 1 and all claims dependent thereon.

Conclusion

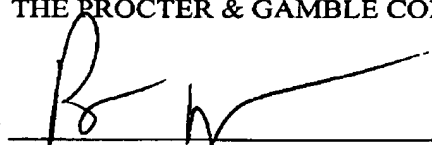
Based on all the foregoing, it is respectfully submitted that each of Applicants’ remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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